

## **BOARD OF SELECTMEN – JUNE 27, 2011**

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### **I. Call to Order/Roll Call**

Chairman Brian Major reconvened the meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the Regular Meeting: Chairman Major and Selectmen Mary Lyman, Ted Teichert, Alex Vispoli and Paul Salafia. Also present Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

### **II. Executive Session**

At 5:10 P.M. Chairman Major called a meeting of the Board of Selectmen to order in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Major and Selectmen Mary Lyman, Alex Vispoli and Paul Salafia.

On a motion by Selectman Vispoli and a second by Selectman Lyman, it was voted 4-0 to enter into Executive Session to discuss collective bargaining strategy with Labor Counsel and litigation strategy with Town Counsel and to return to Open Session. Roll call vote: Paul Salafia – Y, Mary Lyman – Y, Alex Vispoli – Y, and Brian Major – Y.

On a motion by Selectman Vispoli and seconded by Selectman Lyman, it was voted 4-0 to adjourn the Executive Session and return to Open Session at 6:57 P.M.

### **III. Opening Ceremonies**

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance.

### **IV. Special Recognition – Emergency Response**

On behalf of the Board, Chairman Major presented Citations to Michael and Sarah Long for their heroic actions that saved the life of their father, Andrew Long. The Board also recognized Fire Chief Michael Mansfield, Maria Ventullo, the children's mother and Andrew Long's wife, and the Andover Fire Rescue Emergency Response Team for their lifesaving efforts in assisting Mr. Long on April 22, 2011.

### **V. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

~The Fourth of July fireworks will be held on Sunday, July 3<sup>rd</sup> at Andover High School beginning at dusk. If a rain date is necessary, an announcement will be aired on the local cable stations. On July 4<sup>th</sup>, the pancake breakfast and Horribles Parade will be held in The Park.

~The DCS band concerts begin on Wednesday, July 6<sup>th</sup> and will be held in The Park every Wednesday evening through August 17<sup>th</sup>.

Selectman Vispoli said the Board will begin work on the Town Manager's Goals for FY12. He also suggested a social network sub-committee be formed to work on a Facebook page for the Town.

Selectman Teichert said the DCS booklet is on Facebook.

Selectman Salafia reported on the status of the Town Yard Task Force. The reports on sites under consideration are in and being systematically reviewed.

### **VI. Citizens Petitions and Presentations**

Matt Morello of Brasserie 28 Restaurant & Lounge, 2 Elm Square, inquired on the status of his request for an outdoor dining/alcohol license. Chairman Major said they will follow-up with the Town Manager and report back to him.

Donal Coleman, 91 High Street, said he has issues with the Police Department, pollution of the Shawsheen Watershed and the voter identification list.

John Pasquale, 46 B Whittier Court, asked if a response to the communication sent to State Senator Finegold had been received. Chairman Major said no response has been received to date. He also inquired as to the status of the Technology Reorganization and would like to see some communication on what is transpiring and what the plan is.

A resident from 22 Railroad Street said he has noticed a return of train horns and thought the Town had a no-horn policy. He was informed that due to the new construction of the double-train track and upgrades, trains are required by law to use their horns for safety reasons until the project is completed.

## **VII. Public Hearings**

Selectman Lyman motioned to open the Public Hearing at 8:05 P.M. The motion was seconded by Selectman Salafia and unanimously approved. Chairman Major declared the Public Hearing opened.

### **A. Columbia Gas of Massachusetts**

Selectman Lyman motioned to approve the request of Columbia Gas of Massachusetts for permission to excavate for the purpose of replacing and/or extending its gas mains and to make the necessary house connections along said extensions on the following public ways:

- 16 Cutler Street – install approximately 145 feet of 4” high pressure gas main to extend its existing main as part of its system expansion program. Approximate location shown on Plan #552011, dated 5/5/11.
- Stevens Street – replace 1055 feet of 6” CI low pressure gas main due to municipal improvement. Approximate location shown on Plan
- Shawsheen Road at Cuba Street – loop 215 feet of 4” CI low pressure gas main as part of its system improvement. Approximate location shown on Plan #04202011-D, dated 4/20/11.
- Amherst Road from Princeton Road – install 137 feet of 4” HD plastic main to serve #9 Amherst Road. Approximate location shown on Plan #04262011-D, dated 4/26/11.

The requests have been reviewed and approved by the Town Engineer subject to the condition that a street opening permit is obtained from the Department of Public Works prior to the commencement of any construction.

Selectman Salafia motioned to close the Public Hearing at 8:10 P.M. The motion was seconded by Selectman Teichert and unanimously approved. Chairman Major declared the Public Hearing closed.

## **VIII. Regular Business of the Board**

### **A. Re-sale of Affordable Units**

The Town Manager reported that two affordable units have been listed for resale by the Citizens’ Housing & Planning Association. The units must be offered to the Town first as they have the right of first refusal. The units are located at 400 Brookside Drive – Unit B

and 18 Dale Street – Unit 2C. The Board must vote to not to exercise their right of first refusals if they choose to not purchase the properties.

Selectman Lyman motioned the Board to not exercise their right of first refusal to purchase the two affordable units located at 400 Brookside Drive – Unit B and 18 Dale Street – Unit 2C. The motion to not opt their right was seconded by Selectman Salafia and voted 5-0 to approve.

**B. Andover Youth Center**

Representatives of the Andover Youth Foundation gave a presentation on the proposed Andover Youth Center on the site located at Doherty Middle School. Diane Costagliola, the new Chair of the Youth Foundation, said an exciting new concept for the Cormier Youth Center has been developed. Bill Fahey, Andover Youth Services Director, explained why the project is so important to the youth of Andover. He talked about the changes in programs offered, growth, and future programming and activities. Their vision for the Youth Center is one of a learning and educational center, offering a fitness center, art/dance/music area, audio-visual room, martial arts, culinary training center, and entrepreneurial training. The building will be a multi-faceted State-of-the Art Community Building.

Ms. Costagliola said they are committed to building a center that is sustainable for the community and look forward to working with the Town to make it a community campus, one that will foster a focal point for collaborative efforts with the Schools, Town and Senior Center. Their timeline from June to December of this year includes updating officials, designing the building and site, public outreach, continued fundraising efforts, with the ultimate goal of a Special Town Meeting for fall 2011. The footprint of the building has been down-sized to reflect a new project that reflects the current economic times. They have raised \$1.8 million dollars and have outlined a fundraising strategy to raise an additional \$200,000. The Foundation expects to have a final proposal on the building costs by August. Mark Janowitz, 28 Andover Street, has volunteered his time to help AYS with the project design and reviewed the schematic design and explained the design process.

John Pasquale, 46 B Whittier Court, asked about the loss of parking spaces in the Doherty Middle School campus once the Center opens. Mary Carbone, 3 Cyr Circle, said she feels there are many projects on the horizon in Town and they can't expect residents to pay for everything. Michael Miller, 5 David Drive, feels strongly that the schools do well with academics but the programs Youth Service provides are critical in preparing our youth for the future. Kelly Sutcliffe, One Carter Lane, spoke on her children's experience and benefits derived as a family from Youth Services Programs. Peter Comeau, 6 Parnassus Way, talked about the importance of the AYS programs beyond the school day and the difference it makes in the lives of our children. Cyndi Weber, 9 Galvin Circle, said AYS finds a place for every child and has been keenly aware of the importance of inclusion for all.

The Board will review their current commitments and decide who can serve as the liaison(s) to Andover Youth Services this Summer.

**C. Multi-family Solid Waste & Recycling**

Sandy Gerraughty, DPW Business Manager, reported on the solid waste/recycling practices for multi-family units and provided recommendations for new policies.

Through continued research of deeds and contracts for multi-family units, they found many did not have provisions for recycling; specifically Hillcrest Townhouse, Temple Place Condos, 70-84 Essex Street and 6-12 Maple Avenue. The recommendation is to grandfather in these facilities and to continue to pickup recycling at their location despite being over six units and to also grandfather in Temple Place and Hillcrest Condominiums for the continuation of curbside trash pickup.

Many complexes include waste removal in their master deeds which appear to be part of their condo fees and not a service to be provided by the Town. These units include: Hunters Ridge, Meredith Village, and Ballardvale Crossing. The recommendation is to discontinue the pickup of recycling due to the reference for removal in their Master Deeds. If the Selectmen want to provide recycling for these units, the complexes should be grandfathered for curbside recycling pickup, with all recycling containers brought to the curbside by the public road as the Town's contracted vendor will be unable to enter the private driveways for front door pickup.

Ms. Gerraughty reported being unable to find the existence of formal written agreements between the Town and the three private schools where recycling services are provided (Phillips Academy, Montessorri School and Pike School). She recommended continued service at the private schools as the cost impact is offset due to the paper credits.

She also recommended that the Town continue to collect recycling at Meredith Village but not waste.

Chairman Major said this presentation is a first reading and no action will be taken until the next Board Meeting on July 11<sup>th</sup>.

**D. National Grid Easement Agreements**

On a motion by Selectman Vispoli with a second by Selectman Teichert, it was voted 5-0 to sign the National Grid Easement Agreements for the installation of equipment on property located 15 Blanchard Street. The request to sign the National Grid Easement Agreement for installation of equipment at Bancroft School was placed on hold.

**E. Keno-To-Go**

The Town Manager explained that the new Stop & Shop is qualified to apply for "Keno-to-Go" an on-line game offered by the Massachusetts State Lottery Commission to existing non-pouring agents. Keno monitors would not be on site as it is a ticket only on-line game. Objections to this offering must be submitted in writing to the Lottery Commission. The item is on tonight's agenda if the Board wants to discontinue this lottery game. The Board will leave the request as is for now with no motion made.

**IX. Consent Agenda**

**A. Live Entertainment License**

Selectman Vispoli motioned to approve the request of John P. Ingalls, President, Palmers Restaurant & Tavern, Inc., 18 Elm Street, Andover, for a one-day outdoor live entertainment license for use at Palmers Restaurant on Saturday, July 16, 2011 from 4:00 P.M. to 6:00 P.M. The request has been reviewed and approved by the Town Clerk, Police Department and Inspector of Buildings subject to the condition that there be no outdoor staging or platform and that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

**B. Candlelight Vigil**

Selectman Lyman motioned to approve the request of Rev. John Zehring of South Church, on behalf of the Andover Interfaith Clergy Association, to use The Park on Sunday, September 11, 2011 from 6:00 P.M. to 7:00 P.M. for a Town-wide candlelight vigil commemorating the 10<sup>th</sup> anniversary of September 11<sup>th</sup>. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

**C. Block Party**

Selectman Teichert motioned to approve the request of Gina Murray, 3 Wescott Road, to block off her street for a neighborhood block party on Saturday, September 24, 2011 from 3:00 P.M. to 8:00 P.M. (rain date – Sunday, September 25, 2011). Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

**D. Vehicle Night**

Selectman Salafia motioned to approve the request of Terrie L. Floyd, Children's Room at Memorial Hall Library, to close the parking lot behind the Library on Thursday, July 28, 2011 from 5:30 P.M. to 7:30 P.M. for a Vehicle Night. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

**E. Road Race**

Selectman Vispoli motioned to approve the request of John Boese, 16 Gray Road, to conduct a 5K run/walk and kids' fun run through the streets of Andover on Saturday, October 15, 2011 beginning at 9:00 A.M. at the school to benefit the Bancroft School PTO. Arrangements have been reviewed by the Police Department with concerns about parking and that the race route is in a congested neighborhood. If approved, conditions will be relayed to the race organizers. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

**F. Appointments and Re-Appointments**

On a motion by Selectman Lyman with a second by Selectman Teichert, it was voted 5-0 to approve the following appointments recommended by the Town Manager and as presented in the agenda.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Natalie L. Gaiman	Art Instructor – PT	\$2,500/annual	7/11/11
Andrew W. Trepicchio	Lifeguard – PT	C2A/\$8.00/hr.	6/33/11
Courtney A. Casper	CSA Drama Program – PT	\$1,500/annual	6/1/11
Kevin J. Anderson	Concession – PT	C2A/\$8.00/hr.	
6/20/11			
Meredith C. Anthoine	Counselor – PT	C2A/\$8.00/hr.	6/20/11
Peter N. McGinn	Counselor – PT	C2A/\$8.00/hr.	
6/20/11			

Lauren E. Rushton	Counselor – PT	C2A/\$8.00/hr.	6/20/11
Rebecca D. Vogler	Counselor – PT	C2A/\$8.00/hr.	6/20/11
Susan L. Choquette	STE Director – PT	\$3,500/annual	7/11/11
Adam P. Sapienza	CSA Drama Program – PT	\$1,500/annual	7/11/11

TOWLE FUND TRUSTEES

Randall L. Hanson – Term expires 6/30/12  
(v. J. Cronin)

MERRIMACK VALLEY PLANNING COMMISSION

Joan H. Duff – Term expires 6/30/12  
(v. P. Salafia)

CONSERVATION OVERSEERS – Terms expire 6/30/14

John Boloian – Boloian Property  
David Bunting – Jenkins Quarry  
Sylvia Mahlebian – Boloian Property

And that the following re-appointments by the Town Manager be approved:

Audit Committee – Terms expire 6/30/14

Steven G. Caron  
Kathleen O. Sherman

Ballardvale Fire Station Building Committee – Terms expire 6/30/14

Daniel S. Casper  
James T. Curtis  
George Thomson  
John J. Keily  
Rebecca Backman  
Michael Igo  
Dena L. Carbone

Ballardvale Historic District Commission – Terms expire 6/30/14

Diane R. Derby – Regular Member  
Joanne L. Reck – Alternate Member

Commission on Disability – Terms expire 6/30/14

Gilbert DeMoor  
Patricia A. Commene  
Ruth A. Rosensweig  
Stephen Surette

Conservation Commission – Terms expire 6/30/14

Donald D. Cooper  
Floyd S. Greenwood

Council on Aging – Terms expire 6/30/14

Kathleen M. Devanna

Cultural Council

Denise J. Johnson – Term expires 6/30/12

Judith T. Farzen – Term expires 6/30/14

Kathy S. Abisso – Term expires 6/30/14

Design Review Board – Terms expire 6/30/14

Craig D. Gibson

Suzanne Korschum

Director of Emergency Management – Term expires 6/30/12

Police Chief Brian J. Pattullo

Elderly Tax Aid Committee – Terms expire 6/30/14

David J. Reilly

Klaus B. Lasch

Michael Burke

Forest Warden – Term expires 6/30/12

Fire Chief Michael B. Mansfield

Greater Lawrence Sanitary District – Term expires 6/30/14

Morris B. Gray, Jr.

Green Advisory Board – Terms expire 6/30/14

Melanie A. Cutler

Joanna L. Reck

Anil V. Navkal

Board of Health – Term expires 6/30/14

Katherine Y. Kellman

Housing Partnership/Fair Housing Committee – Term expires 6/30/14

Lelani B. Loder

Francis A. O'Connor

Jonathan D. Fuller

Inspector of Animals – Term expires 6/30/12

Dr. Richard D. Lindsay

Keeper of the Lockup – Term expires 6/30/12

Police Chief Brian J. Pattullo

Lowell Junction Interchange Task Force – Terms expire 6/30/14

Chris C. Huntress

Beth A. Niemi

Kerry O'Kelly

Memorial Hall Library Trustees – Terms expire 6/30/14

Karen Herman

Stefani M. Traina

Merrimack Valley Planning Commission – Term expires 6/30/12  
John J. McDonnell – Alternate member

Merrimack Valley Regional Transit Authority – Terms expire 6/30/12  
Paul Materazzo  
Lisa Schwarz – Alternate member

Patriotic Holiday/Street of Flags Committee – Terms expire 6/30/12  
Calvin Deyermond  
Michael Burke  
Michael B. Mansfield  
John J. Lewis  
Robert S. Hamilton  
James F. Bedford  
Susan W. Ratyna  
Stephen H. Wallingford  
R. Scott Parrish, Jr.  
Calvin G. Perry  
Kevin P. Bibeau  
Barbara H. Wright

Preservation Commission – Term expires 6/30/14  
Leslie A. Frost

Retirement Board – Term expires 6/30/14  
Robert J. O'Sullivan, Esq.

School Building Committee – Terms expire 6/30/14  
Mark B. Johnson  
Francine Goldstein  
Dr. Marinel McGrath  
Joseph Piantedosi  
Annie Gilbert  
Thomas R. Deso  
Joseph J. Reilly

Spring Grove Cemetery Trustees – Term expires 6/30/14  
John S. Bigelow

Town Yard Task Force – Terms expire 6/30/12  
Richard S. Feldman  
Norman J. Viehmann  
David O. Nelson  
David J. Wahr  
Stephen E. Cotton  
William T. Bride, Jr.

Veterans Services Agent – Term expires 6/30/12  
Michael Burke  
Conservation Overseers – Terms expire 6/30/14



David Adilman – Foster’s Pond/Rock Island  
Bruce Belbin – Boloian Property  
David Brown – Glenwood Road Conservation Area  
Alex Chanler – Gray Road/Tucker Road  
Robert Decelle – Sacred Heart/Bald Hill/Wood Hill  
Earl Efinger – Hussey’s Reservation  
Joan Ellis – Foster’s Pond/South Shore  
Alan French – Mary French Reservation  
Michael Frishman – Carmel Woods  
Leslie Frost – Hussey’s Reservation  
Norman Frost – Hussey’s Reservation  
Edwin Gundrum – Rattlesnake Hill/Countryside/Logan  
Paul Hickman – Rattlesnake Hill/Countryside/Logan  
Kurt Kefferstan – Carmel Woods  
James Landy – Shlakis/Cutler Property  
Thomas Larsen – Doyle Link/Curtis Development  
Eli Levine – Carmel Woods  
John Marciano – Haggett’s Pond Conservation Area  
Andy Menezes – Serio’s Grove  
David Nelson – Blueberry Hill/Vine Street  
John Petty – Pole Hill/Molly Road  
Bea Pfister – Doyle Link  
Jeffrey Picard – Glenwood Road Conservation Area  
Paula Piccolo – Lowell Street (Lots A and B)  
Richard Piccolo – Lowell Street (Lots A and B)  
Bill Postal – Hearthstone Village Green Area  
Gail Ralston – Sacred Heart Property  
Albert Retelle – Shlakis/Cutler/Bald Hill/Wood Hill  
Suzanne Scarpulla – Doyle Link  
Norman Scarpulla – Doyle Link  
Stephen Smith – Mary French Reservation  
Fred Snell – Merrimack River Property  
Warren Stone – Pomp’s Pond/Foster’s Island/Gravel Pit  
Phil Sutherland – Pole Hill  
Michael Toth – Dundas Green Area  
Ellen Townson – Glenwood Road Conservation Area  
Tim Turbett – Haggett’s Pond Conservation Area  
Eileen Walsh – Carmel Woods  
William Walsh – Carmel Woods

On a motion by Selectman Lyman seconded by Selectman Teichert, it was voted 5-0 to approve the following Selectmen re-appointments as printed in the agenda:

Scholarship Committee – Terms expires 6/30/12

David J. Reilly  
Rosalie F. Konjoian  
Dr. Eric Stubenhaus  
Janis J. Hill  
Elizabeth Roos – Superintendent’s Representative

Joan H. Duff

Zoning Board of Appeals – Terms expire 6/30/14

Stephen D. Anderson – Regular Member

David W. Brown – Regular Member

Christopher J. Matey – Associate Member

**X. Approval of Minutes from Previous Meetings**

On a motion by Selectman Teichert and seconded by Selectman Lyman, it was voted 5-0 to approve the Regular Meeting Minutes of June 13, 2011 as presented.

**XI. Adjournment**

On a motion by Selectman Teichert with a second by Selectman Salafia, it was unanimously voted to adjourn the Regular Meeting of the Board of Selectmen at 9:20 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents:

Memo dated June 13, 2011 from Lisa Schwartz, Senior Planning for CHAPA affordable units

Letter and revised Easement Agreement from National Grid

Memo from Department of Public Works / Sandra Gerraughty, Business Manager

Letter to the Town of Andover from Mass State Lottery Commission

Minutes of June 13, 2011